

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2016 MAR -3 PM 3:45 *Br*

UNITED STATES OF AMERICA AND
STATE OF DELAWARE, EX REL.
WEIH CHANG,

Plaintiffs,

v.

CHILDREN'S ADVOCACY
CENTER OF DELAWARE,

Defendant.

Civil Action No. 15-442-SLR

**UNITED STATES' NOTICE OF
ELECTION TO DECLINE INTERVENTION**

NOW COMES the United States of America, by and through its attorneys, Charles M. Oberly, III, United States Attorney for the District of Delaware, and Lauren Paxton, Assistant United States Attorney, and as and for its declination to intervene in this civil action, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the government respectfully states the following:

1. **Declination to Intervene.** The United States hereby notifies the Court that it declines to intervene in the above captioned civil action, pursuant to 31 U.S.C. § 3730(b)(4)(B).
2. **Continuation of Civil Action.** The relator is authorized to continue to maintain this action, in the name of the United States, pursuant to 31 U.S.C. §§ 3730(b)(1), 3730(b)(4)(B) & 3730(c)(3), upon certain conditions, set forth more fully in 31 U.S.C. § 3730.
3. **Service of Court Documents and Reservation of Rights.** The government hereby requests service of copies of all pleadings filed in this civil action, pursuant to 31 U.S.C. § 3730(c)(3). Further, the government requests service of copies of all motions, court orders,

and notices of appeal filed in and related to this civil action. The government reserves its rights, under 31 U.S.C. § 3730(c)(3), to order deposition transcripts, and intervene in this action at a later date, for good cause, including to seek dismissal of the relator's action or claim(s) under 31 U.S.C. § 3730(c)(2).

4. Consent to Dismissal. Pursuant to 31 U.S.C. § 3730(b)(1), if the relator continues to maintain this civil action in the name of the United States, the relator may not seek dismissal of the action without the written consent of the Court and the Attorney General. To that end, the government respectfully requests that, should the relator or the defendant propose that this action be voluntarily dismissed, settled, or otherwise discontinued, the parties request that the Court solicit the written consent of the United States before ruling or granting its approval.

5. Request to Partially Unseal. The United States respectfully requests that the Court unseal the relator's Complaint, this Notice, and the attached proposed Order. The United States requests that all other papers on file in this action remain under seal, because such documents discuss the government's investigation into the relator's allegations.

Respectfully submitted,

CHARLES M. OBERLY, III
United States Attorney

By: _____

Lauren Paxton
Assistant United States Attorney
1007 North Orange Street, Suite 700
Wilmington, DE 19801
(302) 537-6277

Dated: March 3, 2016

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ORDER

At Wilmington this _____ day of _____, 2016, the Court having considered the United States' Notice of Election to Decline Intervention in the above captioned civil action, it is hereby ORDERED that,

1. The Complaint, the United States' Notice of Election to Decline Intervention, and this Order, shall be unsealed and served upon the defendant by the relator;
2. All other documents previously filed in this action shall remain under seal and shall not be made public or served upon the defendant;
3. The seal shall be lifted as to matters occurring from this date forward;
4. The parties shall serve a copy of all pleadings, motions, and notices of appeal in or related to this civil action, including supporting memoranda, upon the United States. The United States may order any deposition transcript and/or intervene in this action, for good cause, at any time, including to seek dismissal of the relator's action or claim(s);
5. The ~~relator~~ shall serve all orders of this Court upon the United States; and

6. Should the relator or the defendant propose that this action be voluntarily dismissed, settled, or otherwise discontinued, the parties will request that the Court solicit the written consent of the United States before ruling or granting its approval.

Honorable Sue L. Robinson
United States District Judge

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CERTIFICATE OF SERVICE

I, Marissa Ballasy, an employee with the United States Attorney's Office, District of Delaware, hereby certify that on the 3rd day of March 2016, I caused to be filed:

UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION

with the Clerk of the Court. I further certify said document to be served via First Class Mail upon:

Anthony N. Delcollo, Esquire
Cooch and Taylor
1000 West Street, 10th Floor
P.O. Box 1680
Wilmington, Delaware 19899

/s/ Marissa Ballasy

Marissa Ballasy